

### **REMARKS**

Claims 1-37 are pending. Claims 16-37 are withdrawn from consideration. Claims 13-15 and 38-49 are cancelled. Claims 1, 4, and 7-12 are amended. Support for the amendments can be found throughout the specification and claims as originally filed. In particular, support for the amendments to claims 1, 4, 7, and 10 can be found at page 1, lines 25-28 and at page 33, line 24 through page 42, line 3.

Applicants thank the Examiner for the useful interview of Tuesday, November 9, 2010. During the interview, Applicants discussed the claim amendments which are presented herein. It is the Applicants' understanding that the Examiner felt the amendments would overcome the outstanding anticipation rejections.

#### ***Related Pending Application***

Applicants bring U.S. Patent Application No. 10/507,466, titled MOLECULAR SWITCHES AND METHODS FOR MAKING AND USING THE SAME to the Examiner's attention. U.S. Patent Application No. 10/507,466 was filed by the same inventors as the instant application and is directed to similar subject matter.

#### ***Rejections Under 35 U.S.C. § 102(e)***

Claims 1-15 and 38-49 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tsien et al., US Patent No. 6, 469,154 (hereinafter "Tsien").

The Examiner alleges that Tsien et al. provide the insertion of a circularly-permuted fluorescent protein into a sensor polypeptide, to make a fluorescent protein controlled by the sensor polypeptide. Based on this, the Examiner alleges that Tsien et al. anticipate the instant claims.

Applicants respectfully disagree with the Examiner's view of Tsien et al. Nevertheless, without admitting to the sufficiency of the rejection, and merely to facilitate prosecution, Applicants have amended claims 1, 4, 7, and 10 and have cancelled claims 13-15 and 38-49. As amended, claims 1, 4, 7, and 10 are directed to methods of assembling modulatable fusion polypeptides comprising the generation of circular permutations of either insertion sequences or acceptor sequences and inserting the insertion sequences into the acceptor sequences such that the resultant nucleic acids encode fusion polypeptides that recognize input signals and produce output signals in response to the input signals wherein the output signals are not fluorescence. Applicants submit that Tsien et al. do not anticipate the amended claims because Tsien et al. only provide for fluorescent molecules. Applicants respectfully request reconsideration and withdrawal of the rejections.

### **CONCLUSION**

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any of the claims not be found to be in condition for allowance, the Examiner is requested to call Applicants' undersigned representative to discuss the application. Applicants thanks the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105. In view of the foregoing, Applicants request reconsideration and allowance of the pending claims.

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Respectfully submitted,

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